



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

May 23, 2014

Ms. Laura Quinn-Willingham
U.S. Nuclear Regulatory Commission
Office of New Reactors
Mail Stop T6-C32
11545 Rockville Pike
Rockville, MD 20852

RE: USFWS Project #2009-0501

Dear Ms. Willingham:

This responds to an electronic mail message from James Becker, acting on behalf of the Nuclear Regulatory Commission (NRC), and forwarded to our office from Su Ann Shupp of the Pennsylvania Department of Conservation and Natural Resources on January 28, 2014. This was a request for information about federally listed and proposed endangered and threatened species within the area affected by the proposed consumptive water use mitigation plan for the Bell Bend nuclear power plant. While Bell Bend is located in Luzerne County, Pennsylvania, the consumptive water use plan will potentially impact Clearfield, Centre, Clinton, Lycoming, Northumberland, Dauphin, Lancaster, Montour, Columbia, Luzerne, Lackawanna, Wyoming, Bradford, and Tioga Counties, in Pennsylvania and Steuben, Shemung, and Tioga Counties in New York, due to proposed water releases from the Cowanesque Lake and the Tioga-Hammond Reservoir in Tioga County and expanding water treatment facilities in Centre County, PA.

The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of endangered and threatened species and the Bald and Golden Eagle Protection Act (Eagle Act; 54 Stat. 250, as amended; 16 U.S.C. 668-668d) to ensure the protection of eagles.

Federally Listed Species

We provided a document entitled, *Federally Listed, Proposed, and Candidate Species in Pennsylvania* to Mr. Becker on February 25, 2014, in response to his January 28, 2014, request and subsequent telephone conversations with Service staff occurring between February 14, 2014 and February 25, 2014. The list we provided includes information on the known range and species occurrence by counties and/or watersheds throughout Pennsylvania (see Enclosure). The

Service provides species lists for actions authorized, funded or carried out by federal agencies. The species list fulfills our requirement, under section 7(c) of the Endangered Species Act, to provide a list of threatened and endangered species upon request for federal actions and National Environmental Policy Act (NEPA) compliance. Under the Endangered Species Act, it is the responsibility of the Federal agency involved to make an effects determination.

To determine potential species occurrence in New York, you may choose to access the Information, Planning and Conservation (IPAC) System located at <http://ecos.fws.gov/ipac/>. Either the list we provided, or one obtained through IPAC, should be used to make your Endangered Species Act effect determination based on which species may be found in your project area if suitable habitat is present. Without a more clearly defined description of the proposed action, we cannot provide more specific recommendations. Also, please note that a field survey may reveal previously undocumented populations of one or more species of concern within a project area

If surveys or further information reveal that a federally listed, proposed, or candidate species may be affected, federal agencies are required to consult with us even if the effects are expected to be beneficial. A “may affect” determination includes actions that are “not likely to adversely affect,” as well as “likely to adversely affect” listed species. If the action is “not likely to adversely affect” listed species (*i.e.*, the effects are beneficial, insignificant, or discountable), and the Service agrees with that determination, the Service provides concurrence in writing and no further consultation is required. If the action is “likely to adversely affect” listed species, then the federal action agency must request initiation of formal consultation. This request is made in writing to the Service, and must include a complete initiation package. Formal consultation concludes with the Service’s issuance of a biological opinion to the federal action agency.

Bald and Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (Eagle Act). The Eagle Act protects eagles by prohibiting killing, selling, disturbing, or otherwise harming eagles, their nests or eggs. “Disturb” means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle; 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Bald eagles (*Haliaeetus leucocephalus*) are known to nest throughout the Susquehanna watershed and are found in each of the counties potentially impacted by the consumptive water use plan. Consequently, we recommend that you evaluate the project type, size, location and layout in light of the *National Bald Eagle Management Guidelines* to determine whether or not bald eagles might be disturbed as a direct or indirect result of this project. If it appears that disturbance may occur, we recommend that you consider modifying your project consistent with the *Guidelines*. These guidelines, as well as additional eagle information, are available at <http://www.fws.gov/northeast/EcologicalServices/eagle.html>. To assist you in making a decision regarding impacts to bald eagles, a screening form and a map of nest locations throughout Pennsylvania can be found at http://www.fws.gov/northeast/pafo/bald_eagle.html


Additional Comments

We defer to the expertise of the Susquehanna River Basin Commission and the Pennsylvania Fish and Boat Commission with regard to possible aquatic impacts such as migratory fish passage issues.

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

If you have any questions regarding these comments, please contact Jennifer Siani of my staff at 814-234-4090.

Sincerely,


For Lora L. Zimmerman
Field Office Supervisor

Enclosures:

PA T&E List

Federally Listed, Proposed, and Candidate Species in Pennsylvania
(revised February 25, 2014)

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status¹</u>	<u>Distribution (Counties and/or Watersheds)</u>
MAMMALS			
Indiana bat	<i>Myotis sodalis</i>	E	Known Hibernacula: Armstrong, Beaver, Blair, Centre, Fayette, Huntingdon, Lawrence, Luzerne, Mifflin and Somerset Co. Known Maternity Colonies & Male Capture Sites: Adams, Armstrong, Bedford, Berks, Blair, Greene, Pike, Somerset, Washington, and York Co. Potential Summer and/or Winter Habitat: All of the above-mentioned Counties and Allegheny, Bucks, Butler, Cambria, Carbon, Chester, Clarion, Clinton, Columbia, Crawford, Cumberland, Dauphin, Delaware, Erie, Franklin, Fulton, Indiana, Juniata, Lancaster, Lebanon, Lehigh, Mercer, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Schuylkill, Snyder, Union, Wayne, and Westmoreland Co.
Northern long-eared bat	<i>Myotis septentrionalis</i>	PE	Known Hibernacula: Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bucks, Butler, Cambria, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Dauphin, Fayette, Fulton, Huntingdon, Indiana, Jefferson, Lackawanna, Lancaster, Lawrence, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Northampton, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Tioga, Venango, Warren, Westmoreland, and York Co. Potential Summer and/or Winter Habitat: Statewide
BIRDS			
Piping plover	<i>Charadrius melodus</i>	E	Designated critical habitat on Presque Isle (Erie Co.). Migratory. No nesting in PA since 1950s, but recent colonization attempts at Presque Isle
REPTILES			
Bog turtle	<i>Clemmys (Glyptemys) mühlenbergii</i>	T	Adams, Berks, Bucks, Carbon (Aquashicola Creek watershed only), Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek watershed only), and York Co. <i>Historically found in Crawford, Mercer and Philadelphia Co.</i>
Eastern massasauga rattlesnake	<i>Sistrurus catenatus catenatus</i>	C	Butler, Crawford, Mercer and Venango Co. <i>Historically found in Allegheny and Lawrence Co.</i>

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status¹</u>	<u>Distribution (Counties and/or Watersheds)</u>
MUSSELS			
Clubshell	<i>Pleurobema clava</i>	E	Allegheny River (Armstrong, Clarion, Forest, Venango, Warren); Conneaut Outlet (Crawford); Conneauttee Creek (Crawford); French Creek (Crawford, Erie, Mercer, Venango); LeBoeuf Creek (Erie); Muddy Creek (Crawford); Shenango River (Mercer) <i>Has not been found recently in 13 streams of historical occurrence in Butler, Beaver, Fayette, Greene, Indiana, Lawrence, and Westmoreland Co.</i>
Dwarf wedgemussel	<i>Alasmodonta heterodon</i>	E	Delaware River (Monroe, Northampton, Pike, Wayne Co.). <i>Has not been found recently in streams of historical occurrence in the Delaware River watershed (Bucks, Carbon, Chester, Philadelphia) or Susquehanna River watershed (Lancaster)</i>
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	E	Allegheny River (Armstrong, Clarion, Forest, Venango, Warren); Conewango Creek (Warren); French Creek (Crawford, Erie, Mercer, Venango); LeBoeuf Creek (Erie); Muddy Creek (Crawford) <i>Has not been found recently in streams of historical occurrence, including Shenango River (Lawrence)</i>
Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>	T	Allegheny River (Armstrong, Clarion, Forest, Venango, Warren); Conneauttee Creek (Venango); French Creek (Crawford, Erie, Mercer, Venango); LeBoeuf Creek (Erie); Muddy Creek (Crawford); Shenango River (Crawford, Mercer)
Rayed bean	<i>Villosa fabalis</i>	E	Allegheny River (Armstrong, Clarion, Forest, Venango, Warren); Cussewago Creek (Crawford); French Creek (Crawford, Erie, Mercer, Venango); LeBoeuf Creek (Erie); Muddy Creek (Crawford) <i>Potentially extant in Shenango River (Crawford, Mercer) and Woodcock Creek (Venango)</i> <i>Has not been found recently in 5 streams of historical occurrence in Armstrong, Lawrence, Mercer and Warren Co.</i>
Sheepnose	<i>Plethobasus cyphus</i>	E	Allegheny River (Forest and Venango Co.). <i>Has not been found recently in streams of historical occurrence, including: Allegheny River (Armstrong); Beaver River (Lawrence); Monongahela River (Washington); Ohio River (Allegheny and Beaver)</i>
Snuffbox	<i>Epioblasma triquetra</i>	E	Allegheny River (Armstrong, Clarion, Venango), Conneaut Outlet (Crawford); Cussewago Creek (Crawford); Dunkard Creek (Greene); French Creek (Crawford, Erie, Mercer, Venango); LeBoeuf Creek (Erie); Little Mahoning Creek (Indiana); Muddy Creek (Crawford); Shenango and Little Shenango River (Mercer); West Branch French Creek (Erie)

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u> ¹	<u>Distribution (Counties and/or Watersheds)</u>
FISH			
Atlantic sturgeon ²	<i>Acipenser oxyrinchus oxyrinchus</i>	E	Delaware River (New York Bight Distinct Population Segment)
Shortnose sturgeon ²	<i>Acipenser brevirostrum</i>	E	Delaware River and other Atlantic coastal waters
PLANTS			
Northeastern bulrush	<i>Scirpus ancistrochaetus</i>	E	Adams, Bedford, Blair, Cambria, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Lackawanna, Lehigh, Lycoming, Mifflin, Monroe, Perry, Snyder, Tioga, and Union Co. <i>Historically found in Northampton Co.</i>
Small-whorled pogonia	<i>Isotria medeoloides</i>	T	Centre, Chester and Venango Co. <i>Historically found in Berks, Greene, Monroe, Montgomery and Philadelphia Co.</i>

¹ E = Endangered; T = Threatened; PE = Proposed for listing as Endangered; C = Candidate

² Atlantic sturgeon and shortnose sturgeon are under the jurisdiction of the National Marine Fisheries Service

